

1 transmit at regular intervals?

2 A Yes, ma'am.

3 Q For how long?

4 A Depending on how long it takes. We, we do, that,  
5 that is how we test. Now I'm not saying that, that we don't  
6 call either, okay? But the majority of the time we use the  
7 test feature, probably, if, if you really want a percentage  
8 rather than just majority, well into the 90-percent, we will  
9 use the test feature, because when we're testing, we don't  
10 have time to call, and, and we want to find those ranges. I  
11 mean it would be quite, and I, I recollect that I had  
12 mentioned this to counsel earlier, first of all is the  
13 expense. You mentioned the cellular phone. Sure, you can use  
14 the cellular phone, and it costs 60-cents. In Charleston,  
15 that's their tariff. Peak time is 60-cents for every page,  
16 every page. It's time sensitive. All right? And we don't  
17 have the staff to say, now, I want you to call me every two  
18 minutes, because if we are testing and what if they got busy  
19 and it was five minutes, then we would think we have a dead  
20 area. So the computer is much more capable and reliable, or  
21 not the computer, the terminal is much more capable and  
22 reliable of sending the test page out from 1 minute to 99  
23 minutes is what, where you can set it for and to go out and do  
24 your testing that way.

25 Q Now when you send out those pages, do you need to

1 have somebody out with paging receivers to conduct a test?

2 A Well, someone would need to be receiving something,  
3 yes, ma'am. Unless our technician could possibly have a, a  
4 meter on somewhere with a printer, and, honestly, he doesn't.  
5 So we do use some type of receiving device. Would I need  
6 someone out particularly, not necessarily, but someone needs  
7 to be out whether it be an employee or possibly even a  
8 customer. We have had on both sides of our RCC and private  
9 carrier frequency, that, that customers would say can you put  
10 my pager on test, I'm going to go in these areas. Now I mean  
11 this, this is not something that, that is well-known to the  
12 customers, but we have certain customers that we will allow  
13 that for to, yes, ma'am.

14 Q Now you remember that the engineers testified that  
15 they would listen to these tones whenever they were in the car  
16 over the four day period at all different times of day and  
17 night?

18 A Yes, sporadically at different times, yes, ma'am, I  
19 do.

20 Q Did you have somebody out receiving those pages  
21 during all those different times?

22 A Did I personally?

23 Q Did Capitol?

24 A Did Capitol? I do not know because, once again,  
25 and, and I'm not trying to side-step your, your, your

1 question, I do not know. I did not require that, I did not  
2 say go out and test this on this particular day or this. If  
3 it was tested, most likely there was someone receiving those  
4 pages with a transmitter or a receiver, excuse me, in an area.  
5 Could it be done at nine o'clock at night, and, and I think I,  
6 I thought, and again if, if, if my memory serves me right, I  
7 explained that our, our associates, our sales people  
8 hopefully, and if they're not I would know about it, their job  
9 is to sell during the day and that's hopefully 9:00 to 5:00,  
10 if they're not on the golf course as most sales people have a  
11 tendency to do sometimes, so during their testing, even though  
12 they can test in the day, in the car, okay, it's not uncommon,  
13 that if they want to get into, into detail, they would do that  
14 in the evening's hours, as my recollection serves Mr. Harrison  
15 said he would do it on the evenings going home.

16 Q Now if you were testing problems with, if there were  
17 problems with a specific pager and you wanted to test for  
18 those problems, would you send the signal over the air? I  
19 mean wouldn't you do a manual test?

20 A On a particular pager? If, if one person has said I  
21 am having a pager problem --

22 Q That's right.

23 A -- I would not set up the test function for that.  
24 We would send those through our CRT, which is connected to the  
25 terminal. Would you, and, and I'll be glad to elaborate and

1 explain exactly how we do this, is that what you are wanting  
2 to know, ma'am?

3 Q No, no.

4 A Oh, okay.

5 Q So when the engineers heard the sequence, you  
6 weren't testing for defective pagers?

7 A I would say not, no, ma'am.

8 Q Now if you were testing for the problems with the  
9 link which you alluded to in your testimony, you were having  
10 problems with your link frequency, you, you indicated, during  
11 that time, is that correct?

12 A As well as NABER indicated through all the  
13 coordination, yes, ma'am, definitely problems with the link  
14 system.

15 Q Now would you set up a test like that to test the  
16 link, the link?

17 A Yes, ma'am. That is one piece of the pie. I, I  
18 definitely would.

19 Q Now if you were going to test the link frequency and  
20 you sent out pages, three or four or five pages, and it was  
21 working or not working, wouldn't you know after a relatively  
22 short period of time?

23 A Not necessarily, ma'am.

24 Q In other words, your testimony is that, that perhaps  
25 you needed to test for four days at regular intervals to

1 | determine whether there was a problem with the link frequency?

2 |       A     I, I, I think I just even testified today that we  
3 | test every day on our RCC frequency. So we, we test every  
4 | single day. And if, if other paging companies do not, in my  
5 | opinion, and I will go and say I'm an expert in the marketing  
6 | industry, in my opinion, they are not providing quality  
7 | service to their customers if they do not know that their  
8 | links, their transmitters are working. Yes, we do depend on  
9 | our customers, as well, to inform us when they are having  
10 | problems. You see, I don't like to have our customers tell us  
11 | there is something wrong. I prefer for us to know it and  
12 | correct it before they do.

13 |       Q     But don't you need to have a reason for testing? I  
14 | mean you must suspect that something is wrong with the system.  
15 | You don't just test for, for the sake of testing. You must be  
16 | conducting some test for a reason.

17 |       A     To find out if the system is working, ma'am. You,  
18 | you just answered your own question.

19 |       Q     But if it's working, what's the reason to keep  
20 | testing it?

21 |       A     I, I don't under -- I'm saying that you must test  
22 | every day to find out if your system is working. All right.  
23 | Is it working? Absolutely. Now we'll talk about the PCP  
24 | here, if you don't mind, because I think that, that's the road  
25 | you're, you're wanting to go down. When we have had so many

1 numerous problems of a link, and especially when you are using  
2 a community repeater, and as, as I recall, RAM even, in, in  
3 some filings, said, yes, there is a community repeater that's  
4 knocking them off the air. I mean that was their own  
5 testimony. So it may work right now, it may work 20 minutes  
6 from now, but is it going to work an hour from now, is it  
7 going to work tomorrow.

8 Q So you --

9 A Our --

10 Q -- you would test continuously then?

11 A We would test, when we have had these problems with  
12 our link frequencies, once we found out, and let's hope, knock  
13 on wood, that the link worked, okay, now we will test for  
14 range, then we will test for penetration, then we will test  
15 for dependability. And dependability, to me, is a key thing.

16 Q Now you indicated you test in your RCC continually  
17 and you test --

18 A Every --

19 Q -- every day?

20 A -- every day, all of our locations. I'm, I will  
21 not, I will go on the record and tell you I will guarantee you  
22 there are a minimum of 50 plus, maybe closer to 100 pages  
23 every day on our RCC frequency, absolutely.

24 Q Now when you test on the RCC frequency, since you  
25 don't share that frequency, you are not taking up air time

1 that somebody else might be waiting to use, isn't that  
2 correct?

3 A Well, is that true or not, ma'am, I don't know,  
4 because when we are testing, we are taking up air time away  
5 from our customers, aren't we?

6 Q But when you are testing, when you have a shared  
7 frequency --

8 A Uh-huh.

9 Q -- do you see a distinction between the amount of  
10 testing, continual testing that could be done when you're  
11 sharing a frequency with someone else?

12 A Well, I kind of think that's a two-part answer, if,  
13 if I may. I will test, shared or not shared, to make sure our  
14 system is as good as it possibly can be. However, I will  
15 limit my test and I will not get on the phone and put a ten  
16 second garbley goop page out, hey, this is Capitol Paging,  
17 this is Mike Raymond at Capitol Paging, this is a test page,  
18 one, two, three, four, five, six, until I am cut off, so then  
19 that repeats 20 seconds. To me, it doesn't take a genius to  
20 figure out if I send a test tone out, and let's say I want to  
21 send three repeated pages, as our field engineers said that  
22 was going on, I think I would rather take up 20 seconds or 10  
23 seconds or ever how long they testified, than 60 seconds of  
24 useless voice transmission to do my testing by. I thought we  
25 may be applauded for it, rather than damned for it, but I'm,

1 I'm getting confused.

2 Q When you, when you set up that auto test feature in  
3 the computer, it just keeps running that sequence until you  
4 stop it, doesn't it?

5 A Yes, you must turn it off, okay.

6 Q So if it's 20 seconds out of every minute, it's 20  
7 seconds out of every single minute until you stop it, isn't  
8 that correct?

9 A No, I don't think so. I think what it said that,  
10 your engineers, if I, I, if I'm remembering what they  
11 testified to, is that it, it would and then it would stop, it  
12 would hold back, it would inhibit the pages as we were  
13 supposed to. And when RAM would go down, then these would go  
14 out. So I can't say it took up 20 seconds of every minute.  
15 If no one else was on the air, no one, this is a, quote,  
16 guarded frequency, as some people would like this shared  
17 frequency to be, but assuming that it is the, quote, the  
18 guarded frequency, it could go out 20 seconds every minute,  
19 but it didn't because our inhibitor held them back.

20 Q Okay. Your inhibitor held them back because RAM was  
21 on the air and uses --

22 A That is how --

23 Q -- a shared frequency?

24 A -- I remember your field engineers talking.

25 Q Now --



1           A     Now periodically I think they did say that we would  
2 come up, but I think it was also stated yesterday that we, we  
3 would, and using the term walk on, or go transmit ten percent  
4 of the time, while, I think, the other company was 90-percent  
5 of the time, if, if I, if I remember correctly.

6           Q     Now if your inhibitor would inhibit, would wait  
7 until RAM was finished transmitting, wouldn't, if RAM had an  
8 inhibitor the same way, wouldn't their inhibitor wait until  
9 your testing was finished before they could start using the  
10 frequency?

11          A     In, in my assumption, that's how they work. In what  
12 I have, testimony I have heard from the field inspectors,  
13 90-percent of the time it didn't wait. But, theoretically,  
14 that is how it is, that's what an inhibitor is set up to do,  
15 is to hold back your pages, till you have the air frequency,  
16 until you have the time, until that party line, the people,  
17 you know, you pick up and it's busy, you hang up, you pick up,  
18 then it can go out. Now I believe your engineers said that,  
19 that we did that 90-percent of the time. The other people did  
20 it ten percent of the time. But if everything in a perfect  
21 world, perfect situation, minus collisions, you are exactly  
22 right.

23          Q     So in a perfect situation, if you are testing for  
24 dependability --

25          A     Um-hum.

1 Q -- at continuous intervals, those are times when the  
2 person on the shared frequency cannot use the frequency?

3 A When we are test -- I, I, if I understand your  
4 context, when we are testing, and our test tones would go out,  
5 which is as vital as a page, as to bring home a loaf of bread  
6 or whatever, so that we can get customers on, that it would  
7 take up air time. Needless --

8 Q That --

9 A -- to say, if something is being transmitted, it is  
10 taking up air time, whether it be morse code, test tone, or  
11 page, absolutely, ma'am.

12 Q Now you mentioned the duration of the tones. The  
13 engineers testified that they took up a certain number of  
14 seconds --

15 A Um-hum.

16 Q -- out of every minute. Do you recall when the FCC  
17 engineers came to Capitol from the inspection, do you recall  
18 telling the engineers, do you recall them asking you questions  
19 about the duration of those tones?

20 A Yes, ma'am, I do.

21 Q Do you remember what you said?

22 A Yes, ma'am, I do.

23 Q And what was that?

24 A That, if their two-tone sequentials have many  
25 different variations of tones, they can range from any, and I,

1 I am not sure, because at that moment when they were there, I  
2 pulled the manual out to show them, or we pulled it up on the  
3 CRT, one or the other, to show them the different lengths of  
4 tone A and tone B. It's two tones. It goes be-bop, or  
5 however. So there are two different timings, if we will, and  
6 I think that is the correct term. The first tone may be five  
7 seconds, the next tone may be ten seconds. You can even have  
8 tones that last, and I believe, and I'm 99.9 percent sure I'm  
9 correct on this, that the first tone or the second tone, one  
10 of the tones can be as long as a minute and then another tone.  
11 We use the tone, the sequence and of the timing, is what it's  
12 called, of one that I believe, and I'm doing this, and I am  
13 not 100 percent sure on this, that was ten seconds and then  
14 five seconds, which was a 15-second tone possibly. He asked  
15 the question why we used that timing code, and our answer was  
16 this is the timing code that was specified to us as being  
17 proper. We had tried shorter tones which gave us less  
18 reliability in receiving the beep as, the, the pager, the  
19 receiver receiving that transmission, so we went to that  
20 timing code and it was the most reliable timing code for us.  
21 Now if we were out to do something wrong, we could have used  
22 the real long tone, don't you think?

23 Q Now do you remember giving the FCC engineers a pager  
24 so that they could verify?

25 A I, I heard that and I, I recollect that, that, that,

1 that testimony. I do not remember giving them a pager.  
2 However, and please I am not disputing that there was not a  
3 pager given to them by any means, because anything they asked  
4 for, we gave them.

5 Q Did you give them a second pager?

6 A I don't, now I heard the, the testimony that the  
7 first one didn't work and they said give me another one and,  
8 and it did. I, I will not doubt them one bit.

9 Q Now I believe you testified earlier that you know  
10 how to program the terminal?

11 A I'm, I, I, I know to a degree, yes, ma'am. I can  
12 program a pager. It's a very, very little level, very simple.

13 Q Do you remember when the engineers came for the  
14 inspection, that you were not able to help them observe the  
15 testing function?

16 A I remember when the engineers were, came in. I was  
17 not there, I believe, if you would read what, what they had  
18 written. When they came in, I believe they were, when I came  
19 in, they were working with Mr. Wilson, who was our programming  
20 person at that time, which would be much more knowledgeable to  
21 the inner workings of the different examples of what a pager  
22 can do. I, I never remember not explaining anything that they  
23 asked me, or doing anything that they requested, it was done.

24 Q Now according to the engineers' testimony, there  
25 were three pages, pagers involved in the test set up. Is that

1 correct?

2 A I have no reason to disbelieve them, ma'am.

3 Q And according to their testimony, the test was  
4 repeated twice to the first number, and then chained to the  
5 other two numbers.

6 MR. HARDMAN: Your Honor, could we have a  
7 clarification? Did the, the, counsel, or asserted that the  
8 testimony was repeated twice. I believe it was repeated, but  
9 not repeated twice.

10 MS. LADEN: I think that's a valid distinction.

11 BY MS. LADEN:

12 Q It probably was, in other words, it would have been  
13 twice to one pager, to one number, and then chained to the  
14 other two.

15 A That would be the, the correct procedure, yes,  
16 ma'am.

17 Q Why would you do it that way? Why would you repeat  
18 the first page and then chain to other ones?

19 A In voice pagers, most pages are repeated due to the  
20 fact and, and in, in monitoring other people's system, this is  
21 quite obvious too. Now, of course, at Capitol, we prefer to,  
22 it, it, when someone gets a voice pager, because air time is  
23 all we have, all right? I'm not disputing that at all. We  
24 try to limit a transmission, now I'm not talking the guard  
25 tones at all and the time it takes to set that pager off, I'm

1 talking about the actual voice message when it says please  
2 enter your message and you start talking, to a ten second  
3 message. Now the Commonwealth will give you options up to 15  
4 or 20 seconds. We have never extended anyone's, not on RCC  
5 nor on private carrier, past ten seconds. No law that says we  
6 can't, but we choose not to. Now when you have a voice pager,  
7 to, and to finish answering your question, and why would it  
8 repeat, I have it here. I have it on my, and it goes beep,  
9 beep, beep, beep, and I can't get it off my belt clip, but it  
10 gives me enough time to get it to my ear, okay. I'll give you  
11 a real cute story which is true, my wife carries a voice  
12 pager. She was in here during the earlier testimony. And  
13 it's in her purse. And you will hear it go beep, beep, beep,  
14 and she will reach down as she's driving and be holding her  
15 purse, why she doesn't carry it on the strap, because I'd  
16 prefer her to carry it on the strap because then it would say  
17 Capitol Paging and that's a good advertisement, but hold her  
18 purse up to her ear to hear that message, because voice is not  
19 always clear as crystal clear as anyone says. It may be  
20 wonderful outside, just like you and I talking, but you come  
21 inside a building that has steel in it, and anyone that would  
22 argue this point would have to be stupid, you know, the RF is  
23 not going to get into the buildings as well. It may take you  
24 two times to hear that message. It may be a number, and let's  
25 say it is crystal clear, it may be a number to call back to

1 that you're not familiar with, so it gives our customers, and  
2 the same as RAM and American or any other paging industry  
3 customer, the second opportunity to pick up that message or  
4 number, if you will. So it's very, very common, more common  
5 than not, to have a repeat on a pager.

6 (Asides.)

7 BY MS. LADEN:

8 Q Why would you want to do that for the test? Why  
9 would you want to have the repeat on the test?

10 A Because, once again, it gives us more time. It  
11 gives us more time to get that page. What if you only get one  
12 beep, okay? Beep beep, then it goes beep beep. Now I do want  
13 you to understand that tones generate from the computer. It  
14 doesn't go beep beep, and wait ten seconds, and then go beep  
15 beep. They are simultaneously, beep beep, beep beep. Okay?  
16 Do, do you understand that part?

17 Q Um-hum.

18 A This is very important. It doesn't go beep, wait  
19 ten seconds, and then repeat. So you're not tying up that ten  
20 seconds. It gives you the opportunity that if you only get  
21 one beep then something is wrong there, too.

22 Q Now why would you chain the, the other two numbers  
23 then?

24 A Many reasons, and I, I thought I had already gone  
25 over that, but I'll be glad to go over it again. One, you can

1 only do one test page at a time. You can't say, for an  
2 example, Charleston can't say I want to do a test page down  
3 here, do it, put someone out on a test, and then another  
4 location say I want to do a test. And it doesn't care if it's  
5 one frequency or not, you only got one terminal, okay? So if  
6 you have more than one person, and especially, once again, on  
7 that private carriers, it's, and I'm, quote, saying private  
8 carrier because it was a new system, that it had many  
9 problems, to allow Mr. Harrison and his sales people to do  
10 testing quicker, as I thought we would be applauded for,  
11 because one person can only be in one place, at one time. But  
12 if you have, excuse me, three people in an area and they're at  
13 different ends of the area, you can actually get your testing  
14 done three times faster, couldn't you? And when we were  
15 experiencing problems in group call, chaining, and it's not  
16 group call, it's chaining, there are differences between them,  
17 so let's distinguish this as chaining, when Mr. Harrison had  
18 experienced all these problems in chaining, we absolutely  
19 wanted to check the chaining ability on a private carrier as  
20 well. As a matter of fact, well, never mind, I think I  
21 answered your question.

22 JUDGE CHACHKIN: What's the difference between group  
23 call and chaining?

24 MR. RAYMOND: Group call, in my definition, is when  
25 you have several pagers with the same cap code, okay? Every



1 one has a common cap code, so you call one number and it  
2 alerts them. That is a group call feature. And you can also  
3 get duplicate cap codes, so that you have, and because I have  
4 done this for the K-9 Unit in Charleston, West Virginia; I  
5 have done this for the Metro Drug Unit in Charleston, West  
6 Virginia; I've done this for Union Carbine in Charleston, West  
7 Virginia. It has duplicate cap codes. One number is a chain  
8 number, but it's group call. The, the terminal does not say,  
9 okay, I'm going to call this number, then this number, that's  
10 a chain, right on down the line. When you have a common cap  
11 code with ten pagers on a common cap code, one number sets  
12 them all off at the same time. That, to me, my definition, is  
13 group call. When I chain something, it has to go to this  
14 pager, then this pager, then this pager. It's a chain. It's  
15 a link. Group call.

16 BY MS. LADEN:

17 Q What was it that the Greenup County Rescue Squad was  
18 interested in, the group call or the chaining?

19 A They were interested in all their people being able  
20 to get messages. The, the customer, if you will, doesn't know  
21 what group call, doesn't know what chaining is. They just  
22 know they all want to get their messages. To me, group call  
23 is simultaneous. Chaining is one, once again, it's  
24 stair-stepping. All they wanted to do is be able to call one  
25 number and everyone get the message. If you do not have the

1 ability to have a common cap code and a separate cap code,  
2 then you go to chaining. You chain one number, to another  
3 number, to another number. Then you can also give them a  
4 separate number.

5 Q Now if you were going to do this group call feature  
6 for the, for the Greenup County Rescue Squad, couldn't you  
7 have done that, given them a bunch of pagers on the same cap  
8 code? Wouldn't that have worked?

9 A I think I just explained it. Group call will work  
10 to set off all of the numbers at one time. We were setting up  
11 a chain.

12 Q Why was it necessary for you to set up a chain?  
13 Could, wouldn't the group call have worked for their purposes?

14 A The, the pagers that we were using were two-tone  
15 sequential, and those are Motorola and we call them Spirits.  
16 They are not new pagers. We, we've never attested that we, we  
17 use, have used new pagers. To my knowledge, and I may be  
18 wrong, you cannot get duplicate cap codes in a two-tone  
19 sequential pager, in a Spirit pager. As a matter of fact,  
20 Motorola does not even make those anymore. So could we, if  
21 they were still in manufacturing, probably, possibly, and I  
22 don't even know, ma'am. I don't work for Motorola. I know  
23 that chaining was our only option on that.

24 Q I believe you testified you have, how many  
25 transmitter sites, I'll ask you, how many transmitter sites do

1 | you have in the Charleston and Huntington area for your RCC  
2 | pages?

3 |       A     For our, just in Charleston and Huntington, for RCC?

4 |       Q     Um-hum.

5 |       A     Which frequency?

6 |       Q     For the 152.5 -- 152.1.

7 |       Q     We have one in downtown Charleston, located on the  
8 | Kevnoa Valley Bank building, which is exactly about, well, not  
9 | exactly, about 300 feet away from RAM's office where their  
10 | hard, verifier was set up. That is a 489. But that is not  
11 | the main, main transmitter in, but in -- what you're asking  
12 | me, we have a 489 in Charleston, we have a wide area paging on  
13 | Coal Mountain, we have a wide area paging on Barker's Ridge,  
14 | and this is, this is heading west to Huntington, and then we  
15 | have wide area paging on Kevnoa. We have four transmitters  
16 | taking care of just not Charleston and Huntington, but the  
17 | areas in-between, yes, ma'am.

18 |       Q     Ashland, Kentucky, also?

19 |       A     Yes, ma'am. Kevnoa sits here. There's a river, I  
20 | believe, and I guess, you know, you could maybe throw a rock  
21 | into Kentucky. I don't know if it's exactly that close to the  
22 | border, but it overlooks Kentucky. It, it joins. And I, I  
23 | don't have a map, but I know it's very, in the proximity of  
24 | like probably, I don't know, a few miles away from Kentucky.

25 |       Q     And I believe you testified you do not, for the PCP

1 system, you have one transmitter?

2 A No, I did not.

3 Q How many transmitters do you have for your private  
4 paging system?

5 A Two.

6 Q And where are they?

7 A One is on Nease Drive, where, in, in Charleston.  
8 It's actually north Charleston. And then one is in Kevnoa,  
9 which is overlooking Huntington and, and Kentucky.

10 Q Okay. Now you testified about the inhibitor several  
11 times. Would you explain how the inhibitor works? Do you  
12 know how it works?

13 A I'm not technical, by any means. I, I, I thought  
14 that, that the other people had explained it. But in a  
15 layman's term, as I understand it, is the inhibitor stops our  
16 signal from going out to the channels clear. Once the channel  
17 is clear, an inhibitor will open up, I guess, to allow you to  
18 go ahead and send you messages. Same on the, in the other  
19 side, on any frequency that is shared. Their inhibitor hears  
20 you out, they, they're supposedly supposed to shut down till  
21 you're off the air, then they go out.

22 Q Now the inhibitor that you were using in August of  
23 1991, the ones that the, the one that the engineers looked at

24 --

25 A Yes, ma'am.

1 Q -- that had a squelch control --

2 A Yes, ma'am.

3 Q -- did it not?

4 A Yes, ma'am.

5 Q What is a squelch control?

6 A I really don't know. I think Mr. McCallister, it,  
7 it tunes these type things in to do, either get the static out  
8 or, or, or break where you, I think they call it, tweak or  
9 choke it or whatever, to get it tuned closer in, to, to make  
10 it tighter. But it's my recollection, well, I don't know. I,  
11 I, I have some recollections of it, maybe it wasn't testimony,  
12 I think it may have been some exhibits that you all, in your  
13 discoveries, asked us, and that was explained into quite a  
14 large, detailed, technical type sense by Mr. McCallister and  
15 given to you, so, you know, for that explanation, I would  
16 suggest that you refer to that, because I believe that he even  
17 mentioned that that was overridden, that that had nothing to  
18 do, because if we closed or opened the squelched where  
19 normally you're getting static, it inhibited our pages from  
20 going out. It had nothing to do with us going out over top of  
21 everyone. And I don't believe that would be in, in this  
22 testimony. That was in the facts and findings and discoveries  
23 on the, going into these proceedings.

24 MR. HARDMAN: Your Honor, if you would refer to  
25 Exhibit CAP 21, which was the, Mr. McCallister's testimony.

1 JUDGE CHACHKIN: That's what I understand now, yes.

2 MR. HARDMAN: If you start at the bottom of page  
3 one, he, Mr. McCallister spoke, testifies specifically to the  
4 issue of the, how the, the inhibitor functioned and the  
5 squelch control, and so forth. And I don't recall any  
6 questions from, from the Bureau about, when he was on the  
7 stand, about, about any portion of this testimony.

8 MR. JOYCE: I certainly asked him about it, Your  
9 Honor.

10 JUDGE CHACHKIN: Well, if you did, I'm sure he gave  
11 you an answer. But he's certainly the one who should have  
12 been asked about the squelch control.

13 MS. LADEN: Yes, Your Honor. I'm not disputing  
14 that. I was just wondering whether Mr. Raymond knew about the  
15 functioning, as well.

16 JUDGE CHACHKIN: All right.

17 MS. LADEN: Whether Mr., I was going to, my next  
18 question was going to be whether he ever adjusted the squelch  
19 control.

20 JUDGE CHACHKIN: All right. Go, go ahead.

21 BY MS. LADEN:

22 Q Do you know whether the squelch control might have  
23 affected whether the receiver and the inhibitor detects a  
24 signal or not?

25 A When Mr. Walker came back and said he turned the

1 | squelch control to the right, I, I have a tendency to disagree  
2 | with him. I believe, my memory says he turned it to the left  
3 | and said, oop, here's your problem, the squelch. I had no  
4 | reason to question Mr. Walker, because I considered him much  
5 | more of an expert on that than I. To this very moment, that  
6 | squelch control has never been moved from where Mr. Walker set  
7 | it. Now Mr. Walker and, and please, please allow me to  
8 | continue, did not ask me is this thing working, is it  
9 | completely functionally disabled, you know, as, as he said.  
10 | He didn't ask me this. Now also giving him credit,  
11 | Mr. McCallister was not around for him to ask that question,  
12 | so I can see where he could take that assumption, by not  
13 | knowing how it was, was set up. I really honestly do, but,  
14 | no, no one had ever touched the, the squelch control.

15 |       Q     So from what Mr. Walker said, you assumed that he  
16 | thought the problem was the setting of the squelch control and  
17 | that he was, at that moment, correcting it?

18 |       A     When he turned it to the left, said, oop, I think  
19 | this is your problem, the squelch, and, and that was it. I  
20 | did not question him, ma'am.

21 |       Q     So you did not interpret that statement as saying  
22 | that the existence of the squelch control might be the  
23 | problem?

24 |       A     I think, I took it as he, the setting of the squelch  
25 | control could have been the problem. He corrected it. That

1 was what I thought. I mean when you say, oop, here's your  
2 problem, may -- here's your problem, and he turns it. If  
3 there was a problem, I assumed that Mr. Walker corrected it.  
4 I, you know.

5 Q Did you ever have that inhibitor checked after that?

6 A All this was referred to Mr. McCallister.  
7 Mr. McCallister routinely checks everything. He likes to  
8 check on the equipment, believe me.

9 Q I get that impression.

10 A Believe me. We, we bought him a new truck a few  
11 years ago and he, he puts over 15,000 miles a month on that  
12 truck. We have a very large system that is -- he's hitting  
13 200,000 miles in less than three years.

14 Q Now let me ask you this, if the inhibitor was  
15 working --

16 A And it was.

17 Q You say it was?

18 A It was.

19 Q How do you explain the fact that the FCC engineers  
20 documented several instances where Capitol went on the air  
21 while RAM was still on the air?

22 A Believe me, if they couldn't figure it out, I, I  
23 don't expect me to figure it out. And I, I think they, they  
24 did, said they did not understand it, if my recollection  
25 serves me right. I wonder now, as these proceedings have



1 continued, maybe the same question should be asked of the  
2 person that walked over us 90-percent of the time, and if they  
3 know, then maybe we can explain why our 10-percent, we walked  
4 over them. I don't know.

5 Q But you might know the explanation for your walking  
6 over them.

7 A No.

8 Q So that's what I wanted --

9 A No. I, I, I said then, I say now, our inhibitor was  
10 always on, it was properly functioning. We even have, now  
11 here's one way, let's say that, that something could happen,  
12 we lose our power, okay? If you lose your power, you lose  
13 your transmitter or terminal, you lose your inhibitor, okay?  
14 So nothing works. Wouldn't that, that would kind of make  
15 sense to me. But when the power comes in, in my knowledge of  
16 the RCC anyway, the first thing that goes out is your I.D.,  
17 when you turn it on. See, that couldn't happen at Capitol,  
18 because we have emergency power. And if it blinks, we never  
19 lose a page, we never lose a second. We have took every  
20 precaution. There is possible, and see this is another thing,  
21 not only do we take it, the Public Service Commission, the  
22 regulations require us to do that, to have emergency power.  
23 I, I don't think it, unless, let me rephrase that, they maybe  
24 can't, it's not a law, they strongly recommend that you do  
25 that. With the private carrier stations on the hill, it's not